

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

GARRETT BLACKBURN, as Owner
of the G3 1652 JON BOAT,

Plaintiff

For Exoneration From or Limitation of
Liability.

Cause No. 2:19-cv-00057-BMM

**ORDER DIRECTING
ISSUANCE OF MONITION
AND SPECIAL
RESTRAINING ORDER**

A Complaint having been filed herein by Plaintiff-in-Limitation GARRETT BLACKBURN (“Plaintiff-in-Limitation”) as owner and operator of that certain vessel, the G3 1652 JON BOAT, bearing Vessel Identification Number MT5670BA and Montana Vehicle Identification Number GEN93167F112, her engine, tackle, apparel, appurtenances, etc. (hereinafter referred to as “the JON BOAT”) seeking exoneration from or limitation of liability as provided for by statute, for all losses, damages or injuries occasioned, sustained or incurred upon, or in any manner arising out of the fishing trip on the JON BOAT on April 28, 2019, in which a passenger onboard the JON BOAT died during the course of the fishing trip, while the JON BOAT was in the navigable and interstate waters of

Holter Lake, Helena, Montana (hereinafter the “incident”.) It appearing from Plaintiff-in-Limitation’s complaint that the value of the JON BOAT at the conclusion of the incident does not exceed \$9,800.00, and that claims have been and may be asserted against Plaintiff-in-Limitation for loss and damage and that said claims are subject to limitation in the action now on file in this Court;

Now, upon application of the Plaintiff-in-Limitation herein,

IT IS HEREBY ORDERED that a Notice and Monition issue out of and under the seal of this Court to and against all persons, concerns, or firms claiming damages for any and all losses, damages, or injuries occasioned, sustained, or incurred upon, or in any manner arising out of or consequent upon, arising out of the incident, admonishing them and each of them to appear and file their respective claims with the Clerk of this Court on before December 13, 2019 and to make due proof of their respective claims in such manner as may hereinafter be directed by further order of this Court, subject to the right of any persons, concerns, or firms to controvert or question said claims, with liberty also to any such claimants who have duly filed their claims to answer the complaint herein and to file such answer with the Clerk of this Court on or before the date specified above; and

IT IS FURTHER ORDERED that public notice of said monition pursuant to the Federal Rules of Civil Procedure, Supplemental Rule F(4) for Admiralty and

Maritime Claims, shall be given by publication in a newspaper of general circulation in Butte, Montana published once a week for four successive weeks prior to the date fixed herein for the filing of claims; and

IT IS FURTHER ORDERED that not later than the date of the second publication of said notice, the Plaintiff-in-Limitation shall mail or cause to be mailed a copy of the said notice to every person, firm or concern known to have made any claim against the Plaintiff-in-Limitation or the JON BOAT arising from the aforementioned incident; and

IT IS FURTHER ORDERED that the institution and prosecution of any suits, actions, or legal proceedings of any nature or description whatsoever in any court, except in this proceeding for exoneration from or limitation of liability and any Limitation Action filed by GARRETT BLACKBURN, against the Plaintiff-in-Limitation, the JON BOAT, its owners and its operators in respect of any claim or claims arising out of, occasioned by, or in any way consequent upon the aforementioned incident involving the JON BOAT, or otherwise subject to limitation in this proceeding, be and the same are hereby enjoined, this special restraining order to remain in effect until the determination of the action in this Court; and

IT IS FURTHER ORDERED that service of this Order as a restraining order shall be made by delivering a certified copy of this to the person or persons to be

restrained, or to their respective attorneys or representatives.

IT IS ORDERED this 14th day of November, 2019.

A handwritten signature in blue ink, reading "Brian Morris". The signature is written in a cursive, flowing style. Below the signature is a solid horizontal line.

Brian Morris
United States District Court Judge